IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.81 OF 2007
IN
L.C.SUIT NO.50 OF 2007
WITH
CIVIL APPLICATION NO.117 OF 2007

Malwani Swaraj Co-op.Hsg.Soc.Ltd.
& Anr. ...Appellants

Versus

Matoshri Construction Co. & Ors. ...Respondents

.....

Mr.Prashant P.Kulkarni for Appellants.

None for Respondents.

.....

CORAM: A.M.KHANWILKAR, J.

FEBRUARY 2, 2007.

P.C.

1. The Court below while granting ad-interim order has recorded reasons as can be discerned from the impugned Judgment. The view taken by the Trial Court is a possible view. As prima facie case was made out, Court proceeded to grant ad-interim order, so that, no prejudice is caused to the Plaintiffs during the pendency of the proceedings.

2. I see no reason to interfere with the order as passed. The argument that the Defendant No.1 has already entered into some agreement with Defendant No.4, can be no reason to set-aside the order passed by the Trial Court. The order passed by the Trial Court, however, restrains Defendant No.1 from entering into any "further agreement or new contract".

3. In the circumstances, this Appeal should fail. At the same time, as the grievance of the Appellants is that the ad-interim order will operate against Defendants 1 to 4, it is directed that the Trial Court shall dispose of the Notice of Motion expeditiously. The parties shall extend full cooperation for early disposal of the Notice of Motion. The same be decided on its own merits in accordance with law, preferably by 20th April 2007.

4. Appeal and the cognate Civil Application stand disposed of accordingly.

A.M.KHANWILKAR, J.